

January 26, 2023

VIA PRO SE INTAKE

Hon. Sarah Netburn, U.S.M.J.
United States District Court
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *Arthur Balder v. Susan Sarandon, et al*, Case No.: 1:22-cv-06401-JLR-SN

Hon. Judge Netburn:

I am the Plaintiff in this action. This letter is submitted pursuant to I.A of your Honour's Individual Practices to request permission to file a Third Amended Complaint.

Plaintiff wishes first of all thank Your Honor for the opportunity granted to amend the complaint.

Plaintiff also wishes to express his gratitude to NYLAG, and to the recommendation of this Court to seek NYLAG' assistance.

Acknowledging the importance of pleading according to the high standards expected, it has been advised by NYLAG not to leave out details that are in favour of the claims and that support them.

The pleadings encompass four defendants and their actions spanning seven years, from 2016 to 2022. It is impossible to simplify the case in a manner that is 'short', 'concise', and at the same time efficient and on the level of the standards of pleading required.

Plaintiff has taken all Court's recommendations willingly and in good faith. However, he has been advised to avoid the *fear to plead*, but in doing so has tried to be concise nevertheless. Yet it is impossible to compress seven years of actions that are interrelated, particularising the factual descriptions to the level Defendants' attorneys clearly need in light of their MTD, if context of source of evidence that proves what is being alleged is not mentioned and quoted.

This Third Amended Complaint has been organised aiming at being explicit, but also at being *exhaustive* to a degree that should not leave doubt as regards to its plausibility and merits.

In short, it is impossible to leave this succession of events clear in the yes of the Court without a chronological reconstruction based on the written communications, citing date of each one.

For all these reasons and others, Plaintiff simply wishes to assure that the reading of this Third Amended Complaint will make a clear impression from moment to moment of what happened, and that he has peace of mind in the sense

that, although more time would have been welcome, the chronological succession of relevant events is present.

For that reason the Third Amended Complaint focuses mainly in a section which is chronologically divided into seven subsections by year; some of them are longer because there are more interactions, and others are shorter because, although they are consequential, there are less interactions. All is important.

As regards to exhibits, we have chosen just a few among many, but these few are important and for that reason they are included. When Plaintiff refers to SMSs, emails, or other supports, it is because they *exist*, although they are not included because that would make the Complaint much longer.

There is another point to clarify as regards to the MTD and the Third Amended Complaint. The MTD cites lack of particularising in pleading, for instance, in relation to business opportunity loss and distribution contracts loss. Plaintiff has been advised to plead in detail but to leave out certain details and names that, being protected by Non Disclosure Agreements signed with third parties, it would be not advisable to include them here, although they can be disclosed to the Court later.

THEREFORE Plaintiff honestly beseeches the patience of this Court and also of the Defendants' attorneys, as regards to the unavoidable length of the Third Amended Complaint, taking into consideration its aim at clarity and expected high standard in pleading to state a viable civil case claim.

We greatly appreciate your Honour's time and consideration in this matter.

Respectfully Submitted,

/s/ Arthur Balder

Cc. All other Parties (via ECF).